



February 6, 2025

**Via ECF**

The Honorable P. Kevin Castel  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Conference adjourned from February 7, 2025 to  
February 14, 2025 at 10:00 a.m. Call-In: 855-244-8681  
Access Code: 2305 810 3970#.  
SO ORDERED.  
Dated: 2/7/2025

P. Kevin Castel  
United States District Judge

**Re: Schottenstein, et al. v. Capla, et al., 1:22-cv-10883-PKC**

Dear Judge Castel:

This firm represents Edward and Yolanda Capla (collectively, the “Caplas”) in the above-referenced matter. We write pursuant to Rule 1(C) of Your Honor’s Individual Practices in Civil Cases to request an adjournment of the initial status conference before the Court, which is currently scheduled for tomorrow, February 7, 2025 at 11:30 AM.

This is the first request for an adjournment of the conference. The reason for the request is that the undersigned counsel has a scheduling conflict. The conflict is that last evening the Court in a separate proceeding scheduled a conference for that exact time in connection with a time-sensitive motion. We have conferred with counsel for Plaintiffs, who does not oppose this request to adjourn this conference. Were the Court to reschedule this conference for another time tomorrow or next week, counsel have conferred on their availability and represent that they are available: (1) after 1 PM tomorrow; (2) Tues., Feb. 11., after 1pm; and (3) Thu., Feb. 13, and Fri. Feb. 14, between 9:30AM and 5PM.

Counsel for the Caplas and for Plaintiffs are also conferring regarding a proposal to the Court regarding both the pleadings in this case and anticipated discovery in light of the Court’s September 9, 2024 order (ECF No. 130) dismissing some, but not all, of the allegations in the operative complaint, the Third Amended Complaint, dated December 4, 2023 (ECF No. 93). The Caplas have not answered the Third Amended Complaint because they understand the deadline to answer this complaint is stayed pending further Order by the Court. (ECF No. 66)

We look forward to further discussing these issues with the Court.

Hon. P. Kevin Castel  
*Schottenstein, et al. v. Capla, et al.*

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Respectfully submitted,

/s/ Matthew A. Ford

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*Counsel for Defendants*  
*Edward L. Capla and Yolanda Capla*

cc: Counsel of Record via the Court's CM/ECF system